

United States District Court
For the Northern District of California

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6 IN THE UNITED STATES DISTRICT COURT
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8 FOR THE NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION
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10 JOHN SHEK, No. C 11-00212 WHA

11 Plaintiff,

12 v.

13 NATIONAL LABOR RELATIONS
14 BOARD, REGION 32 and
15 CALIFORNIA NURSES ASSOCIATION/
C.H.E.U.,

**ORDER DENYING MOTION TO
STAY EXECUTION OF JUDGMENT
PENDING APPEAL**

16 Defendants.
17 _____ /

18 This matter was dismissed for lack of subject-matter jurisdiction and the case closed on
19 July 7, 2011. Plaintiff John Shek now moves “to stay execution of judgment pending appeal.”
20 The entirety of the motion states: “Pursuant to Federal Rule 60(b) plaintiff []John Shek, hereby
21 move for motion to stay execution order/judgment to dismiss enter on July 07, 2011. Plaintiff file
22 this motion to stay execution of judgment pending appeal to Court of Appeal [sic]” (caps and bold
23 omitted).

24 FRCP 60(b) concerns grounds for relief from a final judgment, order, or proceeding. This
25 order cannot discern what relief plaintiff is seeking, but he may be seeking to prevent his case
26 from being closed. This case is *already* closed. The order of dismissal stated, “Plaintiff’s next

1 step, if this case is to be pursued, is to file a timely notice of appeal and proceed to the court of
2 appeals.” That admonition remains. The motion, stating no grounds for relief, is **DENIED**.

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4 **IT IS SO ORDERED.**

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6 Dated: July 18, 2011.

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WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

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